

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

ERIC THOMAS MYERS,

Defendant.

)
)
) Case No. 1:04CR00053-1
)

) **OPINION**
)

) By: James P. Jones
) United States District Judge
)

Eric Thomas Myers, Pro Se Defendant.

On November 22, 2004, the court sentenced defendant Eric Thomas Myers to 152 months' incarceration, and on November 30, 2009, the court dismissed Myers' Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. (ECF Nos. 69, 86.) More than five years later, Myers has filed a pro se letter, asking me to appoint counsel to challenge his allegedly "illegal" sentence. (ECF No. 97.) I construe and dismiss the letter as a successive § 2255 motion because the issues raised in the letter represent an attack on the imposed sentence. Because Myers fails to establish that the Court of Appeals for the Fourth Circuit has authorized him to file a successive § 2255 motion, the construed § 2255 motion must be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2255(h).

DATED: March 31, 2015

/s/ James P. Jones
United States District Judge